

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANTOS MORALES, and ALFREDO MORALES,

Plaintiffs,

-against-

MAMA, LLC D/B/A MAMA'S FRIED CHICKEN,
OMAR DOE, RAFI DOE, SABID DOE, GUSTAVO
DOE AND "DOCTOR" DOE,

Defendants.

USDC SDNY
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DATE FILED: 11/15/2024

23-CV-11169 (MMG)

ORDER GRANTING
MOTION TO COMPEL

MARGARET M. GARNETT, United States District Judge:

On May 21, 2024, the Court issued a default judgment against Defendant Mama, LLC d/b/a Mama's Fried Chicken ("Defendant") in the amount of \$173,696.99. See Dkt. No. 25.

In aid of execution of this judgement, on August 12 and 13, 2024, Plaintiffs Santos Morales and Alfredo Morales ("Plaintiffs") served Defendant by first-class and certified mail, return receipt requested, to Defendant's principal place of business, an information subpoena and subpoena duces tecum (the "Subpoenas") both dated August 9, 2024. See Dkt. No. 27 (Exhibits A, B, C). The Subpoenas were delivered to Defendant on August 17, 2024. *Id.* The Subpoenas sought reasonable discovery to support the collection of a money judgment, in compliance with Fed R. Civ. P. 69(a)(2). *Id.*

As of the date of this Order, Defendant Mama, LLC d/b/a Mama's Fried Chicken has not responded to either of the Subpoenas. See Dkt. No. 27-1, Affidavit of Michael Samuel, Esq., ¶ 3. As relief for Defendant's failure to comply, on November 11, 2024, Plaintiffs moved for an order compelling Defendant to respond to the Subpoenas. See Dkt. No. 27 at 4 (the "Motion").

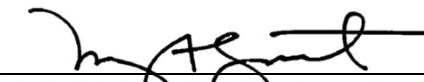
Federal Rule of Civil Procedure 69 allows a judgment creditor to "obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2). New York state law allows a judgment creditor to compel disclosure by subpoena of matters relevant to the satisfaction of the judgment. See N.Y. C.P.L.R. § 5223; see also *Giuliano v. N.B. Marble Granite*, No. 11-MD-00753 (JG) (VMS), 2014 WL 2805100, at *7-8 (E.D.N.Y. June 20, 2014) (an information subpoena may be issued by a party, without court order, to compel disclosure of all matters relevant to the satisfaction of a judgment).

The Court, having reviewed and considered the underlying documents and affidavits submitted by Plaintiff in support of the Motion, pursuant to N.Y. C.P.L.R. § 2308(b)(1), which allows the Court to "order compliance" with an "authorized" subpoena, *id.*, the Motion is HEREBY GRANTED and Defendant is HEREBY COMPELLED to comply with the Subpoenas.

Defendant is further HEREBY NOTIFIED that failure to comply with this Order may result in financial sanctions or a finding of civil or criminal contempt of Court. See Giuliano, No. 11-MD-00753 (JG) (VMS), 2014 WL 2805100, at *10.

Dated: November 15, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge